

Remarks:

Applicant has studied the Office Action dated February 27, 2006, and has amended the claims to distinctively claim the subject matter of the invention. By virtue of this amendment, claims 13-18, 20-26, 28, 31-35, 38, 41-45, 47, 50, 61 and 62 have been amended, and claims 1-12, 19, 27, 37, 46 and 51-60 have been canceled. No new matter has been added. Support for the claims and the amendments is found within the specification and the drawings. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

§112 Rejection(s):

Claims 1-4, 20 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 1-4 have been cancelled. Claim 19 did provide antecedent basis for claim 20. Nevertheless, claim 20 has been amended to provide consistency in claim language. Respectfully, the 112 rejection is now moot.

§101 Rejection(s):

Claims 51-60 are rejected under 35 U.S.C. §101. Claims 51-60 have been cancelled. The 101 rejection has therefore been overcome.

§102 & §103 Rejection(s):

Pending claims are rejected under sections 102 and 103 pursuant to USPN 2003/0032462 A1 (“Wang”) and USPN 5,909,651 (“Chander”).

Wang discloses a method for transmitting a plurality of page slots on first and second channels; and transmitting a plurality of broadcast indicators over a third channel. Chander is provided by the Examiner to cure a deficiency in Wang for failing to suggest a claimed feature related to text messaging.

With respect to the 102 grounds of rejection, it is respectfully noted that anticipation of claims using a drawing requires that "the picture must show all the claimed structural features and how they are put together" and "[t]he drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art." M.P.E.P. §2125. Furthermore, anticipation of a claim under 35 U.S.C. §102 (a), (b) and (e) requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," that "[t]he identical invention must be shown in as complete detail as is contained in the ... claim" and "[t]he elements must be arranged as required by the claim." M.P.E.P. §2131.

The invention as recited in amended independent claims 13, 21, 31, 41, 61 and 62 is directed to a system and method for communicating information. A mobile communication network transmits first information and second information in a communication cycle having a plurality of time slots, wherein the first information indicates position of message information in a target slot in said plurality of time slots. A mobile communication terminal searches a time slot in the communication cycle for the first information, and retrieves the second information from the target slot based on the first information. The first information and the second information are transmitted in a general page message over a single paging channel, such that the mobile communication terminal searches for the first information and the second information in a single communication cycle.

Since Wang fails to disclose at least one of the above recited elements in the amended claims, a rejection under § 102 would be improper.

With respect to the 103 grounds of rejection, and referring to Wang paragraphs 4-9 and 24-33, Wang teaches a method for resolving a problem that arises from providing broadcast messages to mobile devices, wherein one set of mobile devices operates according to a first broadcasting channel protocol, and the other set of mobile devices operates according to a second broadcasting channel protocol (see paragraph 7 for particulars).

To solve the problem, Wang further suggests transmitting a plurality of broadcast indicators for two separate paging channels each carrying a plurality of first and second page slots, such that “each of the plurality of broadcast indicators may point to ‘only’ one of the first or second broadcast page slots.” (See paragraphs 6, 9 and 44-50 for more details.)

Specifically, Wang teaches away from the present invention by suggesting using three separate channels for broadcasting a message. A first channel (F-QPCH) is used to transmit a plurality of broadcast indicators to target mobile stations to monitor slots in a second channel (F-CCCH) for broadcasting pages that in turn point to assigned slots in a third channel (F-BCCH) that carries the broadcast messages. (Paragraph 5)

In contrast, independent claims 13, 21, 31, 41, 61 and 62 as amended recite transmitting the first and second information (that respectfully provide the location and content of the broadcast message) in a general page sent over a “single” paging channel, such that the mobile communication terminal searches for the first information and the second information in a single communication cycle. Therefore, Wang is distinguishable, because it requires broadcasting messages using at least three separate channels, as noted above.

Thus, since Wang teaches away from the present invention, a 103 rejection would be improper regardless of whether or not Chander can be combined with Wang.

Even further, prior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combining the teachings.” In re Sernaker, 217 USPQ 1, 6 (Fed. Cir. 1983). It is well settled that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

The Examiner has not pointed out to any portions of the references that suggest a motivation to combine. Since obviousness may not be established by hindsight reconstruction or conjecture, Applicant invites the Examiner to point out the alleged motivation to combine with

specificity,¹ or alternatively provide a reference or affidavit in support thereof pursuant to MPEP §2144.03.²


For the above reasons, the invention as recited in independent claims 13, 21, 31, 41, 61 and 62 is distinguishable over the references cited by the Examiner. Excluding canceled claims 19, 27, 37, and 46, claims 14-20, 22-30, 32-40, and 42-50 respectively depending on claims 13, 21, 31, 41 should also be in condition for allowance by the virtue of their dependence on allowable base claims.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have expressly argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,
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¹ *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

² "The rationale supporting an obviousness rejection may be based on common knowledge in the art or "well-known" prior art . . . If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position. When a rejection is based on facts within the personal knowledge of the examiner . . . the facts must be supported, when called for by the applicant, by an affidavit from the examiner."